

REMARKS

In the outstanding Office Action, claims 11 to 20 were presented for examination. Claims 11-20 were rejected on the basis of 35 U.S.C. §103 as being unpatentable in view of references to Arnold, Booth and Scholz.

The Office Action has been most carefully studied. In this amendment applicant has canceled claims 11 and 14 without prejudice, and has added new claims 21-31 distinctly claiming the invention. In addition, claims 12-20 have been amended. The new and amended claims have been carefully written to avoid any questions under 35 U.S.C. §112, in accordance with the guidelines and requirements set forth in the outstanding Office Action. Accordingly, as will be discussed in detail below, it is believed that the application is clearly in condition for allowance.

Claim Amendments

In new base claim 21 the phrase "fixing means" has been broadened to "fixing elements" to include other elements suitable for fixing the inner shield to the outer shield or fixing the outer shield to a support component, which other elements will be, or will become, apparent to those of ordinary skill in the art and are additional to the elements disclosed in applicant's specification and drawings, and to equivalents of such disclosed elements. Additionally, claim 21 has been amended to define the recited spacing and sealing member as being "flexible".

Claims 12-13 and 15-20 have each been amended for easier readability, without narrowing or to make explicit language that was previously inherent. In addition, claims 12-13 and 15-19 have been amended to depend directly or indirectly from new base claim 21 and claim 12 now defines the sealing and spacing member as being "a ring" and the defined air or gas chamber as being "enclosed".

Patentability Over the Art

Turning now to the rejection of claims 11-19 as unpatentable over Arnold in view of Booth, applicant wishes first to explain the patentability over Yamamoto United States Patent Number 4,584,721 ("Yamamoto" hereinafter) newly made of record herewith.

Yamamoto discloses, in the embodiment of Fig. 23 a screen comprising an inner shield and an outer shield connected by a gasket 71. Gasket 71 is described at column 6, lines 35 et seq. but its physical properties are not. Thus, new base claim 71 is clearly distinguished from Yamamoto by the limitation that

"the sealing and spacing member is fabricated of silicone material, is adhered to the inner shield and can sealingly engage the outer shield without adhering to the outer shield"

Yamamoto neither discloses nor suggests the elastic properties provided by the silicone material employed in the invention of claim 21. The claimed silicone sealing material has the distinctive properties of directly adhering to suitable inner shield

materials and forming a strong connection. However, once cured, the silicone sealing material lacks adhesive properties so that it can be engaged with the outer shield, without adhering to the outer shield so that it can easily be removed later. Yamamoto suggests neither the use of silicone nor the distinctive and useful adhesive properties of silicone, as recited in applicant's new claim 21.

Booth is merely cumulative to Yamamoto and is still less pertinent than Yamamoto. Booth's seal 35 is a metal trim which does not meet any of the requirements of applicant's sealing and spacing member as defined in new claim 21.

Thus, new base claim 21 is believed clearly and patentably distinguished from Yamamoto, the combination of Yamamoto with Booth or any other references known to applicant whether considered alone or in combination.

Arnold USP 5,765,235, relied upon by the Office, commonly invented and owned with the present application, is also believed merely cumulative to Yamamoto. Arnold lacks the spacing and sealing member with specific adherence properties defined in new base claim 21.

New base claim 29 is directed to a visor assembly having inner and outer shields and a sealing and spacing member with specifically defined adherence properties, and which visor assembly lacks electric heating means. claim 29 is accordingly

unquestionably patentably distinguished from Yamamoto which requires electric heating means as an essential objective of the disclosed Yamamoto invention. Clearly, Yamamoto did not appreciate the potential valuable functionality of an unheated sealed space between inner and outer visor shields. Thus, new base claim 29 is believed clearly and patentably distinguished from Yamamoto and any other art of record.

Dependent Claims

Claims 12-20 and 22-27 depend from new base claim 21, and are therefore allowable with claim 1 for the reasons that claim 21 is allowable. Similarly, claims 30-31 depend from new base claim 29 and are therefore allowable with claim 29 for the reasons that claim 29 is allowable.

Dependent claims 12-20, 22-27 and 30-31 are furthermore clearly and patentably distinguished from the art of record, and therefore allowable, by the additional meaningful limitations they recite.

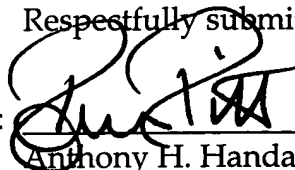
More particularly, Claims 12 and 30 specifically recites a ring-shaped sealing and spacing member providing an enclosed gas or air chamber between the inner and outer shields, which is not remotely suggested by Booth, Yamamoto, Arnold or any of the other art of record in this application. The primary role of Booth's metal trim 35 is to prevent scratching of the polarized layer 13 (column 2, line 55 to column 3, line 2). In the secondary role of creating an air layer between Booth's face shield and polarizing

sheet, Booth's objective is quite the opposite of the enclosed gas or air chamber defined in claim 12, namely to provide air flow through openings in the lower corners. Such air flow will be augmented by what would undoubtedly be a rather poor seal between the metal trim 35 and face shield 7. Thus Booth is the antithesis of the invention defined in claims 12 and 30. Similar considerations apply to claims 25-28 which depend either directly or indirectly from claim 12 and to claim 31 which depends from claim 30.

Claim 23 calls for the outer shield to be recessed to accommodate the inner shield, for example as shown in the embodiment of Figs. 3-4 of the drawings and claim 24 defines a reversible inner shield comprising a second sealing and spacing member. These novel subjects are not remotely suggested by any of the art of record.

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the instant application, as amended, is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's representative would be helpful in the advancement of the prosecution, they are invited to call the telephone number below for an interview.

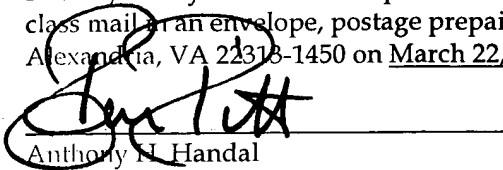
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 22, 2004.

A handwritten signature in black ink, appearing to read "Anthony H. Handal", is written over a horizontal line.

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